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Filed 14 July 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MICHAEL G. HAYEK

Junior Party
(Patent 6,310,090),

v.

JEAN E. HARPER

Senior Party
(Application 09/890,289).

Patent Interference No. 105,279

Before: SCHAFER, MEDLEY and MOORE, Administrative Patent Judges.

MEDLEY, Administrative Patent Judge.

Judgment - Bd.R. 127(b)

On 7 July 2005, the board received from the party Harper "HARPER REQUEST FOR ENTRY OF ADVERSE JUDGMENT" (Paper 23), in which Harper requests and agrees to entry of adverse judgment as to both Count 1 and Count 2.

Accordingly, it is

ORDERED that judgment on priority as to Count 1 (Paper 1 at 4) and Count 2 (Paper 1 at 5) is awarded against senior party JEAN E. HARPER.

FURTHER ORDERED that senior party JEAN E. HARPER is not entitled to a patent containing claims 48-51 (corresponding to Count 1) or claims 52-54 (corresponding to Count 2) of 09/890,289.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 09/890,289 and U.S. Patent 6,310,090.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and Bd.R. 205.

<u>/ss/ Richard E. Schafer</u>)
RICHARD E. SCHAFER)
Administrative Patent Judge)
)
)
<u>/ss/ Sally C. Medley</u>) BOARD OF PATENT
SALLY C. MEDLEY) APPEALS AND
Administrative Patent Judge) INTERFERENCES
)
)
<u>/ss/ James T. Moore</u>)
JAMES T. MOORE)
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